

CIVIL JURY TRIAL  
MINUTE SHEETDATE: January 25, 2011

United States District Court	Eastern District of Virginia - Richmond Division CLERK, U.S. DISTRICT COURT RICHMOND, VA
CASE TITLE e-Plus, Inc.  v. Lawson Software, Inc.,	CASE NO: 3:09CV00620  JUDGE: Payne  COURT REPORTER: Diane Daffron, Peppy Peterson, OCRS

MATTER COMES ON FOR: DAY 14 JURY TRIAL ( X ) MOTIONS BEFORE TRIAL: \_\_\_\_\_**TRIAL PROCEEDINGS:**

JURY: APPEARED, SWORN, EXAMINED ON VOIR DIRE ( ) EMPANELED, SWORN TO TRY ISSUE ( )

WITNESSES EXCLUDED ON MOTION OF: PLAINTIFF(S) ( ) DEFENDANT(S) ( ) COURT ( )

OPENING STATEMENTS MADE ( ) OPENING WAIVED ( )

PLAINTIFF(S) ADDUCED EVIDENCE ( ) RESTED ( ) MOTION ( ) \_\_\_\_\_

DEFENDANT(S) ADDUCED EVIDENCE ( ) RESTED ( ) MOTION ( ) \_\_\_\_\_

REBUTTAL EVIDENCE ADDUCED ( ) SUR-REBUTTAL EVIDENCE ADDUCED ( )

EVIDENCE CONCLUDED ( ) ARGUMENTS OF COUNSEL HEARD ( )

JURY CHARGED BY THE COURT ( ) ALTERNATE JUROR(S) DISCHARGED ( )

OBJECTIONS AND/OR EXCEPTIONS TO THE JURY CHARGE NOTED BY \* JURY OUT: \_\_\_\_\_  
DEFENDANT ( ) GOVERNMENT ( ) NONE NOTED ( ) \*\* JURY IN: \_\_\_\_\_

INQUIRIES OF THE JURY RECEIVED; ANSWERED ( ) ADDITIONAL CHARGE ( )

JURY RETURNED VERDICT IN FAVOR OF PLAINTIFF(S) ( ) MONETARY AWARD \$ \_\_\_\_\_

JURY RETURNED VERDICT IN FAVOR OF DEFENDANT(S) ( ) \_\_\_\_\_

JURY UNABLE TO AGREE ( ) MISTRIAL DECLARED ( ) JURY DISCHARGED ( )

CLERK TO ENTER JUDGMENT ON VERDICT ( ) TRIAL EXHIBITS RETURNED TO COUNSEL ( )

CASE CONTINUED UNTIL \_\_\_\_\_ AT \_\_\_\_\_ .M. FOR \_\_\_\_\_

MOTION(S) AFTER VERDICT: See page 2 attached for further minute entry.Counsel for the Plaintiff(s): Scott L. Robertson, Esq. Michael G. Strapp, Esq. Craig T. Merritt, Esq.  
David Young, Esq. Jennifer A. Alber, Esq.Counsel for the Defendant(s): ~~Daniel W. McDonald, Esq.~~ William D. Schultz, Esq. Dabney J. Carr, IV, Esq.  
~~Kirstin L. Stott-Debell, Esq.~~SET: 9:00am BEGAN: 9:10am VOIR DIRE: ENDED: TIME IN COURT:

RECESSES:

Minute Continuation Sheet : Matter came on continuation of Jury Trial Proceedings Day 14., Parties with/by counsel. Jurors appeared; all present. Jurors retired to deliberate at 9:10 to continue deliberations. Question rec'd at 10:55 a.m. from jurors and answered by the Court in Open Court. Question marked as Court Exhibit No. 5. Question received from jurors at 2:25 p.m. marked as Court Exhibit No. 6. Answered in writing by the Court, marked as Court Exhibit No. 7. Jurors home at 5:30 p.m. to return tomorrow at 9:00 a.m. for further trial proceedings. Court adjourned at 5:30 p.m.

In Section II. Validity

A) what are we supposed to use to define "Fisher RIMS" in A?

Since J.Conn + P.O. Writer aren't listed on our verdict sheet. Are we to consider them as prior art? Isn't that what they were included in the case for?

Was P.O. Writer meant to be considered as a competing, similar system or was that evidence not to be included in deliberations?

CF 1/15

Over →

In jury instructions Judge  
Payne spoke of anticipation:

- two items combined are  
not prior art
- so anticipation does not  
apply anymore

Is this correct?

Leanne Wight

Could we please have  
the trial transcripts for  
Dr. Weaver, Dr. Shamos,  
Patrick Niemeyer, Brooks Hilliard

Leanne Wight

CA-Ex. 6

The transcripts have been prepared, but they have not been proof-read in their entirety, and, therefore, you will need to rely on your recollection of the testimony.

Carv Exhibit

No. 7

---